Second Appeal No. 108 of 2002

Hon. Prafulla C. Pant, J.

Shri Alok Singh, learned counsel for the appellant and Shri Lok Pal Singh, learned counsel for the respondent are present.

This Second Appeal has been directed against the judgment and decree dated 26.10.2002, passed in civil appeal No. 24 of 2000 by learned IVth Fast Track Court/Additional District Judge, Hardwar whereby he has affirmed the judgment and decree passed in Original Suit No. 322 of 1996 between the parties.

In short, plaintiff/appellants filed the aforesaid suit for relief of mandatory injunction, seeking direction to remove the construction raised by the defendant/respondent over the disputed land, alleging that the plaintiffs are owner of the land and were in possession of the disputed part of abadi land at the time of commencement of U.P. Zamindari Abolition and Land Reforms Act, 1950.

Both the courts below, after appreciating the evidence, found that the plaintiffs failed to establish their possession or title over the land in suit. There is concurrent finding of fact on the point that the plaintiffs failed to prove their title or possession over land in suit at the time of commencement of U.P. Zamindari Abolition and Land Reforms Act.

In the circumstances, this Court is of the view that no substantial question of law is involved in this appeal.

Accordingly, the second appeal is dismissed in limine.

(P. C. Pant, J.)

Dt. 17.08.2006
S